

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Truth-in-Billing and Billing Format |) | CC Docket No. 98- |
| 170 |) | |
| National Association of State Utility Consumer |) | CG Docket No. 04- |
| 208 |) | |
| Advocates' Petition for Declaratory Ruling |) | |
| Regarding Truth-in-Billing |) | |

**COMMENT OF THE OKLAHOMA CORPORATION COMMISSION IN
RESPONSE TO SECOND REPORT AND ORDER, DECLARATORY
RULING, AND SECOND FURTHER NOTICE OF PROPOSED
RULEMAKING**

I. INTRODUCTION

The Oklahoma Corporation Commission (“OCC”) respectfully submits the following comment for consideration and review by the Federal Communications Commission (“FCC”). This comment is submitted in response to the Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking in the above-styled matter (“2nd FNPRM”).

II. COMMENT OF THE OKLAHOMA CORPORATION COMMISSION

The Oklahoma Corporation Commission supports the efforts of the Federal Communications Commission to clarify and toughen its truth-in-billing rules. Telephone bills should be brief, clear, non-misleading, and in plain language as suggested in the 2nd FNPRM. Consumers subscribing to Commercial Mobile Radio Service (“CMRS”) carriers, traditional landline telephone companies, or both will benefit from the additional enforcement mechanisms proposed in the 2nd FNPRM.

In this document, the OCC accepts the invitation of the FCC to comment specifically on one item. Paragraph 51 of the 2nd FNPRM states:

In light of our tentative conclusion that other bases exist for the Commission to preempt state regulation of carriers’ billing practices, we tentatively conclude that we should reverse

our prior pronouncement that states may enact and enforce more specific truth-in-billing rules than ours. We solicit comment on this further tentative conclusion. In addition we seek comment on, if we do adopt this further tentative conclusion, whether we should limit the scope of what constitutes “consistent truth-in-billing requirements by the states” under 47 C.F.R. §64.2400(c), eliminate section 64.2400(c) from our rules altogether, or adopt an enforcement regime where states are permitted to enforce rules developed by the Commission.

Wireless Truth-in Billing issues have become a top priority at the OCC due to the increased frequency of complaints from consumers unhappy with misleading or confusing wireless bills. But the lack of any enforcement authority has prohibited the OCC from addressing those complaints. The OCC believes that consumers will benefit if the FCC adopts “an enforcement regime where states are permitted to enforce rules developed by the Commission.” The OCC supports this approach because consumers will benefit more from a partnership between the state and federal authorities than from either jurisdictional authority acting alone. The additional regulatory resources available to consumers for consultation and, if necessary, enforcement action is certainly a good reason for a state and federal partnership on this issue.

Further, CMRS carriers would not be disadvantaged in any way if state Commissions were permitted to enforce FCC rules. If the CMRS carriers follow the FCC truth-in-billing rules, no enforcement action would be necessary at either the state or federal level. If the CMRS carriers fail to follow the rules, an appropriate enforcement action should be expected. Allowing state Commissions to participate in this vital component of the FCC consumer protection regime will simply give the consumers more options to seek redress from unlawful practices and obtain fair treatment. The OCC has undertaken such partnerships with the FCC and effectively enforced federal rules previously; for example, the combined efforts of the OCC and FCC to reduce slamming complaints by state enforcement of federal rules on slamming.

In any event, the CMRS carriers operating in Oklahoma are no strangers to the OCC. While not regulated by the OCC, CMRS carriers consistently submit to the jurisdiction of the OCC on items ranging from interconnection agreements to numbering resources to eligible telecommunications carrier (“ETC”) status. In simpler terms, allowing the OCC to partner with the FCC in the enforcement of FCC rules will not force the CMRS carriers into an unfamiliar venue.

The OCC is concerned with the welfare of telecommunications consumers in Oklahoma and applauds the efforts of the FCC to obtain fair treatment for consumers with its truth-in-billing rules. The OCC seeks to assist the FCC in this effort and protect telecommunications consumers in Oklahoma from those practices that the truth-in-billing rules are designed to prevent.

COMMISSION

OKLAHOMA CORPORATION

/s/ Bob Anthony

BOB ANTHONY, Chairman

/s/Jeff Cloud

JEFF CLOUD, Vice-Chairman

/s/Denise A. Bode

DENISE A. BODE, Commissioner